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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,365	12/17/2003	Darold D. Tippey	KCX-809 (18755)	8554
22827	7590	07/21/2005	EXAMINER	
<b>DORITY &amp; MANNING, P.A.</b> POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449				HANEY, RICHALE LEE
ART UNIT		PAPER NUMBER		
3765				

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/738,365	TIPPEY, DAROLD D.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Richale L. Haney	3765	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 17 December 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)               |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ .  |

***Specification***

1. The disclosure is objected to because of the following informalities: the section headings are not in all caps.

Appropriate correction is required.

2. The information disclosure statement filed 02/09/2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the non-patent literature listed does not include a translation for at least the abstract of the foreign application. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e).

See MPEP § 609 ¶ C(1).

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2,7,10,12-14,17-19,23,26,28, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Seketa (5,442,816). Seketa discloses a tightly fitting (Column 1, lines 40-41) surgical glove with contiguous first and second portions where the second portion is more tactile than the first (Column 3, lines 29-31). The first portion covers the palm, back side and fingers (Figures 1 and 2) and the more tactile area (Figure 1, 51) covers at least a portion of the index finger. The tactile portion is

also incorporated into the thumb, index, middle, ring and pinky finger; the first portion covers the rest of the hand (Figure 1). The more tactile, thinner (Column 3, lines 29-31) portion of the described invention is made from polypropylene (Column 18, 14-21).

4. Claims 1-5,7,10,12-15,17-26, and 28 –30 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (4,964,174). Martin discloses a protective glove that has two portions, which are contiguous wherein the second portion is thinner and has a higher tactility than the first portion (Column 3, lines 3-5). The first portion covers the palm, backhand and fingers (Figure 1A) and the second portion covers a portion (including the tips) of the index finger and also the thumb, middle, ring and pinky fingers (Figure 1B). The second portion is made entirely of the tactile material (Figure 1B). It is noted that the first portion cover a portion of the thumb as described in claim 15, which is not requiring the thumb be fully covered by the first portion. The glove has a first and second orientation where the first portion covers the entire hand and the second portion (Column 3, lines 64-66) can be manipulated to expose the tactile second portion. A slit is located at the back side of the index finger in order to remove the first portion and expose the under layer, exposing the more tactile portion of the index finger while the rest of the hand remains covered by the first portion (Figure 1A, 5 and Column 3, lines 58-66).

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seketa. Seketa is silent as to the material used to form the surgical gloved disclosed; however, he does teach that a variety of polymers, co-polymers or elastomers (Column 7, lines 30-39) which encompass any material that would allow the flexibility necessary for the body of the glove. It is inherent in the function of the glove that the material has flexibility in order to fit securely to the hand of the wearer.

7. Claims 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seketa. Seketa does not disclose the various modifications claimed by the applicant; however, it would have been obvious to one of ordinary skill at the time the invention was made to make the minor changes described as to the location of the tactile area according to the end use of the device. The variation of placement of the tactile areas does not significantly change the structure of the apparatus and therefore the claims are rejected.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. White (6,029,276) shows variations regarding the finger stalls and areas that are covered with tactile portions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richale L. Haney whose telephone number is 571-272-8689. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on 571 -272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richale L. Haney  
Patent Examiner  
Art Unit 2765  
July 11, 2005

RLH



JOHN J. CALVERT  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700